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CHARLES ELMORE CROPLEY
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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1943

No. 278

MENZA B. GRACE,

Appellant,

vs.

THE BOARD OF COMMISSIONERS OF THE STATE BAR OF ALABAMA.

APPEAL FROM THE SUPREME COURT OF THE STATE OF ALABAMA.

STATEMENT OPPOSING JURISDICTION.

RICHARD T. RIVES,
JAMES W. AIRD,
Counsel for Appellee.

IN THE SUPREME COURT OF ALABAMA

Ex Parte, Menza B. Grace.

STATEMENT OF APPELLEE AGAINST JURISDICTION OF THE SUPREME COURT OF THE UNITED STATES.

Comes the Appellee, The Board of Commissioners of the State Bar of Alabama, and files the following statement and grounds against the jurisdiction of the Supreme Court of the United States in this cause in accordance with Paragraph 3 of Rule 12 of the rules of the Supreme Court of the United States:

1. For that no jurisdiction is conferred on the Supreme Court of the United States under the facts set forth in Appellant's statement of the record.

2. For that it affirmatively appears from the statement of the record in this cause that no jurisdiction is conferred upon the Supreme Court of the United States on the facts alleged in said statement.

3. For that the statement of the Appellant fails to set forth any fact to sustain the jurisdiction of the Supreme Court of the United States.

4. For that the jurisdictional statement of the Appellant fails to disclose any Federal question which was presented and passed on by the Supreme Court of the State of Alabama.

5. For that the jurisdictional statement of the Appellant fails to set forth the stage in the proceedings in the Court

of first instance and in the Appellate Court at which, and the manner in which, the Federal questions sought to be reviewed were raised in accordance with Rule 12 of the Supreme Court of the United States.

6. For that the jurisdictional statement of Appellant fails to state the method by which the Federal questions sought to be raised on this appeal were raised in the Court of first instance or in the Supreme Court of the State of Alabama.

7. For that the jurisdictional statement of Appellant fails to state the way in which the questions sought to be reviewed were passed upon by the Supreme Court of the State of Alabama with such pertinent quotations of specific portions of the record or summary thereof with specific references where it is made to appear as will support the assertion that the rulings of the Court were of such nature to bring the case within the statutory provisions by which the jurisdiction of the Supreme Court of the United States is invoked.

8. For that the jurisdictional statement of the Appellant shows the appeal herein to involve no substantial Federal question.

9. For that it affirmatively appears from the jurisdictional statement of the Appellant that no substantial Federal question is involved on this appeal.

10. For that it affirmatively appears from the jurisdictional statement of the Appellant that the matters sought to be reviewed have been previously adjudicated by the Supreme Court of the United States adversely to the contentions now made by this Appellant by decisions so firmly established as to preclude any further review by the Supreme Court of the United States.

11. For that the right to pursue the profession of the practice of law is a privilege rather than a property right, and such privilege is subject to the power of the Court admitting an Attorney to practice to disbar or suspend him.

12. For that the Supreme Court of the United States in the case of *Ex parte Wall,* 107 Supreme Court Reporter, page 265, decided October Term, 1882, held that due process of law does not require a plenary suit and a trial by jury in all cases where property or personal rights are involved.

13. For that the Supreme Court of the United States in the case of *Ex parte Wall,* 107 Supreme Court Reporter, page 265, decided October Term, 1882, held that an attorney had not been denied due process of law in disbarment proceedings before a Judge without a jury.

14. For that the constitutional principle sought to be invoked on this appeal has been precluded by former decisions of the Supreme Court of the United States from further review.

RICHARD T. RIVES,
(Signed) JAMES W. AIRD,
As Attorney for the Board of Commissioners of the State Bar of Alabama.